

65, Yangiulskiy Region, Tashkent, Uzbekistan; Alinda Chemical Trade Company LTD, a/k/a/Alinda, with an address at Kuskovskaya Street 20A Entrance B, Office 409, Moscow, Russia 111141; Element Uluslararası Nakliyat Ve Lojistik Tic. LTD, with an address at Sahit Polis Fethi Sekin Caddesi no:4, Novus Tower Kat:28 D:281-282, Bayrakli, Izmir 35530 Türkiye; Astec Astronomy FZCO, with an address at Dubai Silicon Oasis, DDP, Building A1 IFZA Property FZCO, Dubai, UAE, and an address at Dubai Silicon Oasis, DDP, Building A2 IFZY Business Park DDP, Dubai, UAE; and AvioChem, a/k/a/Avio Chem Doo, a/k/a/Avio Star, a/k/a/AvioNet, with an address at Aerodrom Beograd 59, 111271 Surcin, Serbia; and when acting for or on their behalf, any successors or assigns, agents, or employees (each a “Denied Person” and collectively the “Denied Persons”) may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license (except directly related to safety of flight), license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations, or engaging in any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations.

*Second*, that no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Respondents any item subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by

the Respondents of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Respondents acquires or attempts to acquire such ownership, possession or control except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Respondents of any item subject to the EAR that has been exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations;

D. Obtain from the Respondents in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by the Respondents, or service any item, of whatever origin, that is owned, possessed or controlled by the Respondents if such service involves the use of any item subject to the EAR that has been or will be exported from the United States except directly related to safety of flight and authorized by BIS pursuant to section 764.3(a)(2) of the Regulations. For purposes of this paragraph, servicing means installation, maintenance, repair, modification, or testing.

*Third*, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to Respondents by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

In accordance with the provisions of section 766.24(e) of the EAR, the Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

In accordance with the provisions of section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days

before the expiration date. A renewal request may be opposed by the Respondents as provided in section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to the Respondents and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

Dated: February 6, 2025.

**Kevin J. Kurland**,

*Acting Assistant Secretary of Commerce for Export Enforcement.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-469-823]

#### **Utility Scale Wind Towers From Spain: Notice of Court Decision Not in Harmony With the Final Determination of Less-Than-Fair-Value Investigation; Notice of Amended Final Determination; and Notice of Amended Antidumping Duty Order**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On January 28, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *Siemens Gamesa Renewable Energy v. United States*, Court No. 21-00449, sustaining the U.S. Department of Commerce (Commerce)’s second remand redetermination pertaining to the less-than-fair-value (LTFV) investigation of utility scale wind towers (wind towers) from Spain covering the period of investigation (POI) July 1, 2019, through June 30, 2020. Commerce is notifying the public that the CIT’s final judgment is not in harmony with Commerce’s final determination in that investigation, and that Commerce is amending the final determination and the resulting antidumping duty (AD) order with respect to the dumping margin for the collapsed entity which consists of: Siemens Gamesa Renewable Energy (SGRE); Windar Renovables S.A. (Windar); and five of Windar’s affiliates (*i.e.*, Tadarsa Eolica SL; Windar Offshore SL; Windar Wind Services SL; Aemsa Santana SA; and Apoyos Metalicos SA) (collectively, SGRE/Windar). Commerce is also amending the dumping margin assigned to all

other producers and exporters of subject merchandise.

**DATES:** Applicable February 7, 2025.

**FOR FURTHER INFORMATION CONTACT:** Brittany Bauer, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3860.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 25, 2021, Commerce published its *Final Determination* in the LTFV investigation of wind towers from Spain.<sup>1</sup> In its *Final Determination*, Commerce: (1) declined to select SGRE as a respondent; and (2) assigned a margin based on adverse facts available to Windar.<sup>2</sup> On August 16, 2021, Commerce subsequently published the AD order on wind towers from Spain.<sup>3</sup> SGRE appealed Commerce’s *Final Determination*.

On February 16, 2023, the CIT remanded the *Final Determination* to Commerce, ordering Commerce to individually examine SGRE as a respondent in the LTFV investigation.<sup>4</sup> In the First Redetermination, Commerce

determined that SGRE was affiliated with Windar and that SGRE should be collapsed and considered as part of a single entity with Windar and Windar’s manufacturing subsidiaries.<sup>5</sup> Commerce then assigned Windar’s existing rate to the collapsed SGRE/Windar entity.<sup>6</sup> Because this rate was the only rate on the record of the proceeding, the rate for all other producers and exporters of subject merchandise remained unchanged.<sup>7</sup>

On October 11, 2023, the CIT remanded the First Redetermination and ordered Commerce to either: (1) determine a new margin for the SGRE/Windar collapsed entity that would “substitute” for the rate calculated for Windar in the original investigation; or (2) reverse its collapsing decision with regard to SGRE and Windar and submit a new rate for SGRE, while leaving standing the rate calculated for Windar.<sup>8</sup> The CIT also held that the all others rate determined in the First Redetermination was not in compliance with *SGRE I*.<sup>9</sup>

In the Second Redetermination, Commerce continued to consider SGRE/Windar as a single entity and calculated a margin for SGRE/Windar based on the data the entity provided and that

Commerce verified, as adjusted.<sup>10</sup> Commerce then assigned SGRE/Windar’s calculated margin as the all-others rate.<sup>11</sup> On January 28, 2025, the CIT sustained Commerce’s Second Redetermination.<sup>12</sup>

**Timken Notice**

In its decision in *Timken*,<sup>13</sup> as clarified by *Diamond Sawblades*,<sup>14</sup> the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s January 28, 2025, judgment constitutes a final decision of the CIT that is not in harmony with Commerce’s *Final Determination*. Thus, this notice is published in fulfillment of the publication requirements of *Timken*.

**Amended Final Determination**

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to the following exporters and/or producers:

Exporter/producer	Weighted-average dumping margin (percent <i>ad valorem</i> )
Siemens Gamesa Renewable Energy (SGRE); Windar Renovables S.A. (Windar); Tadarsa Eolica SL; Windar Off-shore SL; Windar Wind Services SL; Aemsa Santana SA; and Apoyos Metalicos SA .....	28.55
All Others .....	28.55

**Amended AD Order**

Pursuant to section 735(c)(2) of the Act, Commerce shall “issue an antidumping duty order under section 736” of the Act when the final determination is affirmative. As a result of this amended final determination, Commerce is hereby amending the *Order* to revise the weighted-average dumping margins assigned to SGRE/Windar and all-other producers and exporters of subject merchandise, as noted above.

**Cash Deposit Requirements**

Because SGRE/Windar does not have a superseding cash deposit rate, *i.e.*, there have been no final results published in a subsequent administrative review, and because of the change to the rate assigned to all other producers and exporters of subject merchandise, Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: February 5, 2025.

**Christopher Abbott,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

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<sup>1</sup> See *Utility Scale Wind Towers from Spain: Final Determination of Sales at Less Than Fair Value*, 86 FR 33656 (June 25, 2021) (*Final Determination*), and accompanying Issues and Decision Memorandum.

<sup>2</sup> *Id.*

<sup>3</sup> See *Utility Scale Wind Towers from Spain: Antidumping Duty Order*, 86 FR 45707 (August 16, 2021) (*Order*).

<sup>4</sup> See *Siemens Gamesa Renewable Energy v. United States*, 621 F. Supp. 3d 1337, 1348-49 (CIT February 16, 2023) (*SGRE I*).

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Remand, Siemens Gamesa Renewable*

*Energy v. United States*, 621 F. Supp. 3d 1337 (CIT 2023), dated June 15, 2023 (First Redetermination) at 5-6.

<sup>6</sup> *Id.* at 6-8.

<sup>7</sup> *Id.* at 8-9.

<sup>8</sup> See *Siemens Gamesa Renewable Energy v. United States*, 659 F. Supp. 3d 1343 (CIT October 11, 2023).

<sup>9</sup> *Id.*, 659 F. Supp 3d at 1359.

<sup>10</sup> See *Final Results of Redetermination Pursuant to Court Remand, Siemens Gamesa Renewable Energy v. United States*, 659 F. Supp. 3d 1343 (CIT

2023), dated June 21, 2024 (Second Redetermination).

<sup>11</sup> *Id.*

<sup>12</sup> See *Siemens Gamesa Renewable Energy v. United States*, Court No. 21-00449, Slip Op. 25-12 (CIT January 28, 2025).

<sup>13</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>14</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).